

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF
STEVENSON CO-PLY, INC.,

Appellant,

v.

SOUTHWEST AIR POLLUTION
CONTROL AUTHORITY,

Respondent.

PCHB No. 81-61

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER

This matter, the appeal of two \$250 civil penalties for opacity allegedly in violation of Section 400-040 of the General Regulations of respondent, came on for hearing before the Pollution Control Hearings Board, Nat W. Washington, Chairman, and Gayle Rothrock, Member, convened at Vancouver, Washington, on September 2, 1981. William A. Harrison, Administrative Law Judge, presided. No election having been made, the hearing was informal pursuant to RCW 43.21B.230.

Appellant appeared by its attorney, Jeff Miller. Respondent appeared by its attorney, James D. Ladley. Reporter Betty Koharski

1 recorded the proceedings.

2 Witnesses were sworn and testified. Exhibits were examined. From
3 testimony heard and exhibits examined, the Pollution Control Hearings
4 Board makes these

5 FINDINGS OF FACT

6 I

7 Respondent, pursuant to RCW 43.21B.260, has filed with this Board
8 a certified copy of its General Regulations for Air Pollution Sources
9 containing respondent's regulations and amendments thereto, of which
10 official notice is taken.

11 II

12 On April 1, 1981, appellant caused or allowed emissions with the
13 following opacity from its hog fuel boiler at its plant site in
14 Stevenson: 1 3/4 minutes at greater than 60 percent, 2 1/4 minutes at
15 60 percent, 1 3/4 minutes at 55 percent, 2 1/2 minutes at 50 percent,
16 3 minutes at 45 percent, 7 3/4 minutes at 40 percent, 1/2 minute at 35
17 percent, and 1/2 minute at 30 percent.

18 On the same date, appellant caused or allowed emissions with the
19 following opacity from its veneer dryer at its plant site in
20 Stevenson: 1 minute at 50 percent, 6 1/4 minutes at 45 percent, 1 3/4
21 minutes at 40 percent, and 1/2 minute at 35 percent.

22 Appellant concedes these emissions and opacities.

23 III

24 Appellant received Notices of Violation from respondent imposing a
25 civil penalty of \$250 for the emissions from each of the two sources
26 (total \$500). Appellant seeks abatement of this penalty based upon
27

1 its present and past attempts to comply with respondent's regulations.

2 IV

3 Appellant has reduced emissions from its veneer dryer by
4 channeling those emissions into its hog fuel boiler. This process
5 does not, however, appear effective in bringing fugitive emissions
6 from the veneer dryer into compliance.

7 Likewise, emissions from the hog fuel boiler are out of
8 compliance. A \$300,000 scrubber system has been examined by appellant
9 to cure these emissions, but installation of it is "some time down the
10 road."

11 V

12 Respondent began seeking compliance from appellant in 1968. In
13 1972, a variance was issued to appellant extending time for compliance
14 due to economic hardship. This extended for the period of one year.
15 Appellant is again experiencing economic hardship.

16 VI

17 All other competitive mills in the SWAPCA jurisdictional area have
18 brought their veneer dryer and hog fuel boiler emissions into
19 compliance with the regulations of respondent. Appellant is the sole
20 exception.

21 VI

22 Any Conclusion of Law which should be deemed a Finding of Fact is
23 hereby adopted as such.

24 From these Findings the Board comes to these
25

26 FINAL FINDINGS OF FACT,
27 CONCLUSIONS OF LAW & ORDER

1 CONCLUSIONS OF LAW

2 I

3 Appellant committed two violations of respondent's Section 400-040
4 which prohibits emissions of greater than 20 percent opacity for more
5 than three minutes in any one hour so far as the veneer dryer is
6 concerned and which prohibits emissions of greater than 20 percent for
7 more than fifteen minutes in any four hours from a hog fuel boiler.

8 A civil penalty in the maximum amount of \$250 may be assessed for
9 each of these violations. RCW 70.94.431.

10 II

11 The penalties in this matter should not be fully abated because of
12 the appellant's continuing failure to comply with respondent's
13 regulations. However, appellant may (or may not) be entitled to a
14 variance from respondent's regulations. Such a variance must be
15 sought by application to the Board of respondent SWAPCA (See Section
16 400-150 of General Regulations and RCW 70.94.181). If appellant
17 applies for such a variance within three months of receiving this
18 Order, the penalties herein should be partially mitigated.

19 III

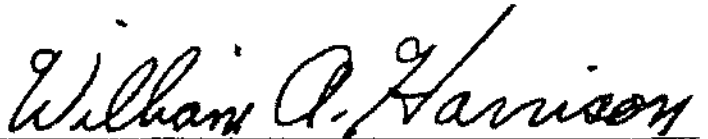
20 Any Finding of Fact which should be deemed a Conclusion of Law is
21 hereby adopted as such.

22 From these Conclusions the Board enters this
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24
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ORDER

The two \$250 civil penalties are each affirmed; provided, however, that one-half of each penalty (total \$250) shall be abated on condition that appellant file an application with SWAPCA for variance from Section 400-040, so far as its veneer dryer and hog fuel boiler are concerned, within three months of appellant's receipt of this Order.

DONE at Lacey, Washington, this 29th day of September, 1981.


WILLIAM A. HARRISON
Administrative Law Judge

CONCUR:

POLLUTION CONTROL HEARINGS BOARD


NAT W. WASHINGTON, Chairman


GAYLE ROTHROCK, Member

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW & ORDER